IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3967 OF 2004

Gurmeet Singh Dasram ... Applicant

versus

State of Maharashtra ... Respondent

...

Mr. Rajendra Shirodkar, for the Applicant.

Mr. K.V. Saste, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

4th October 2004

P.C.:

. Heard Counsel for the parties. Perused the record. I am inclined to accept the argument canvassed on behalf of the Applicant that both the post mortem reports do not even remotely suggest that any injury was caused by iron rod or stick, which weapon is ascribed to the Applicant. The F.I.R. only mentions the name of the Applicant as one of the member of the unlawful assembly. No overt act has been ascribed to the Applicant. There is substance in the argument

canvassed on behalf of the Applicant that on account of previous enmity, the Applicant has been falsely implicated. It is not in dispute that no weapon has been recovered nor any other material has been discovered at the instance of the Applicant. Taking overall view of the matter, the Applicant deserves to be enlarged on bail on certain conditions. The Applicant is in custody since 7th June 2003.

a) In the circumstances, the Applicant is enlarged on bail in connection with Crime No. I-180/2003 registered with Nasik Road Police Station on executing personal bond in the sum of Rs.25,000/- with two local sureties in the like amount.

b) The Applicant shall not enter the jurisdiction of Nasik Road Police Station except for attending Court proceedings.

c) The Applicant shall not tamper with the prosecution evidence or influence the prosecution witnesses in any manner whatsoever. If any such complaint is received, that can be a ground for

cancellation of bail.

d) The Applicant shall report to the nearest Police Station where he intends to reside once in fortnight on Saturday between 11 a.m. to 2 p.m. and also send intimation to the Registrar of the Sessions Court, Nasik, about his place of residence within one week from the date of release.

e) The Applicant shall co-operate the trial Court for early disposal of the case. If the trial Court is of the opinion that the Applicant is responsible for delay in disposal of the case, that fact be recorded in roznama and can be a ground for cancellation of bail. The trial Court is further directed to expedite the hearing of the case. The Sessions Judge, Nasik, to assign the case to Fast Track Court to ensure early disposal of the case, preferably within 9 months from the date of receipt of writ of this Court.

. Application disposed of on the above terms.

. Parties to act on the authenticated copy of this order.

(A.M.KHANWILKAR,J.)